AGILENT TECHNOLOGIES, INC.

legal Department, DL429
Agic lectual Property Administration
P. 8 pox 7599
Loveland, Colorado 80537-0599

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ntor(s): John F. McEntee

Serial No.: 10/691,037

Examiner: Jeff H. Aftergut

ATTORNEY DOCKET NO. 10004031-2

Filing Date: October 21, 2003

Group Art Unit: 1733

Title: SEPTUM

COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria VA 22313-1450

TRANSMITTAL LETTER FOR RESPONSE/AMENDMENT

Si	r:											
Transmitted herewith is/are the following in the above-identified application:												
] Response	e/Amendment				Petitio	on to	o extend	time to r	espon	d	
	New fee a	as calculated below				Supp	leme	ental De	claration			
×	No additional fee (Address envelope to "Mail Stop Amendments")											
×	Other: Pe	tition to the Commissioner	eceipt i	<u>ax c</u>	onfirmat	ion	and	two) return	post	cards	_
	(4)		S AS AMENDE	D BY		A SMA	LL E			,		
	(1) FOR	(2) CLAIMS REMAINING AFTER AMENDMENT	(3) NUMBER EXTRA		(4) SHEST NUME /IOUSLY PAII			(5) RESENT EXTRA	(6) RATE		(7) ITIONAL EES	
	TOTAL CLAIMS		MINUS				=	0	X 50	\$	0	
	INDEP. CLAIMS		MINUS				=	0	X 200	\$	0	
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						4 TH M	ONTH	\$	0			
	0							OTH	HER FEES	\$. 0	1
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT \$ 0]				
Charge \$0 to Deposit Account 50-1078 . At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 50-1078 pursuant to 37 CFR 1.2 5. Additionally please charge any fees to Deposit Account 50-1078 under 37 CFR 1.16, 1.17, 1.19, 1.20 and 1.21. A duplicate copy of this transmittal letter is enclosed.												
"Express Mail" label no. EV 687 639 232 US Respectfully submitted, John F. McEntee												
Date of Deposit: February 14, 2007 By												
i he Pos	hereby certify that this is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service Brot E. Field for John Brody											

Typed Name: Saundra DeHunter

Alexandria VA 22313-1450.

to: Commissioner for Patents, P.O. Box 1450,

under 37 CFR 1.10 on the date indicated above and is addressed

Bret E. Field for John Brady

Attorney/Agent for Applicant(s)

Reg. No. 37,620

Date: February 14, 2007

Telephone No. (408) 553-3584



Atty Dkt. No.: 10004031-2

USSN: 10/691,037

XPRESS MAIL NO. EV 687 639 232 US

PETITION TO THE COMMISSIONER UNDER 37 C.F.R. § 1.181

Address to: Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Attorney Docket	10004031-2			
First Named Inventor	John F. McEntee			
Application Number	10/691,037			
Filing Date	October 21, 2003			
Group Art Unit	1733			
Examiner Name	Jeff H. Aftergut			
Title: "SEPTUM"				

Sir:

This petition is submitted to the Commissioner of Patents and Trademarks under 37 C.F.R. § 1.181(a). This Petition is being filed in response to the Notice of Abandonment dated January 23, 2007.

Applicant hereby petitions for withdrawal of the holding of abandonment in the present application.

The Patent Office incorrectly indicated that the application was abandoned for failure to file a notice of appeal subsequent to the Final Rejection dated June 19, 2006. This holding of abandonment is in error.

The Applicants file a response to the Final Rejection on August 9, 2006. An Advisory Action was issued on August 23, 2006.

A Request for Continued Prosecution (RCE) was timely filed by Facsimile on September 18, 2006. The following evidentiary items are provided herewith to establish that the correspondence was timely filed:

1) a copy of the RCE as filed by facsimile with the United States Patent Office on August 9, 2006; and

Atty Dkt. No.: 10004031-2

USSN: 10/691,037

a copy of the return receipt confirmation of the facsimile transmission received by the Office.

In view of the above, it is submitted that the holding of abandonment has been in error and the Office is respectfully requested to withdraw the holding of abandonment for this application.

While no fee is believed due, the Commissioner is hereby authorized to charge any fees which may be required by this paper, or to credit any overpayment, to Deposit Account No. 50-1078.

Respectfully submitted,

Date: <u>February 14, 2007</u>

By: Bret E. Field

Registration No. 37,620

encs:

- Copy of RCE
- Copy of Confirmation of Receipt of Facsimile

AGILENT TECHNOLOGIES, INC. Legal Department, DL429 Intellectual Property Administration P.O. Box 7599 Loveland, Colorado 80537-0599 co-reply fax to 1 650 32 3231 COMPAN

Auto-Reply Facsimile Transmission



TO:

Fax Sender at 1 650 327 3231

Fax Information

Date Received:

9/18/2006 6:56:51 PM [Eastern Daylight Time]

Total Pages: 4 (including cover page)

ADVISORY: This is an automatically generated return receipt confirmation of the facsimile transmission received by the Office. Please check to make sure that the number of pages listed as received in Total Pages above matches what was intended to be sent. Applicants are advised to retain this receipt in the unlikely event that proof of this facsimile transmission is necessary. Applicants are also advised to use the certificate of facsimile transmission procedures set forth in 37 CFR 1.8(a) and (b), 37 CFR 1.6(f). Trademark Applicants, also see the Trademark Manual of Examining Procedure (TMEP) section 306 et seq.

Received Cover Page

ARLENT TECHNOL COMES, RC. Loyal Discretivents, DL23 Indiscretivent, DL23 Indiscretivent, DL23 Indiscretivent, DL23 Inventorion, Property Previously IN THE UNITED STATES PATENT AND TRADEMARK OFFICE Inventorion; John F. McEntee Serial No.: 10/891,037 Examiner: Jeff H. Aftergut Group Art Unit: 1733 Title: SEPTUM COMMISSIONER FOR PATENTS P.O. Box 1455 Alexandria VA 22313-1450 Request for Continued Examination of provident for received examination of an littly or part steeleaston fluid on or after See The American Provident Provident Action Act of 1993 (APA). Sin This is a Request for Continued Examination (RCE) under CFR 1.114 of the above-identified application. This is a Request for Continued Examination (RCE) under CFR 1.114 of the above-identified application. 27 CFR 1.174 to effective on they 32, 2008, if an even special one and fluid are for the service provident may of an opposite may 6 continued and provident may of an opposite may 6 continued and provident may of a continued and provident may of an opposite may 6 continued and provident may of an opposite may 6 continued and provident may of an opposite may 6 continued and provident may of an opposite may 6 continued and provident may of an opposite may 6 continued and provident may of an opposite may 6 continued and provident may of an opposite may 6 continued and provident may of an opposite may 6 continued and provident may of an opposite may 6 continued and provident may of an opposite may 6 continued and provident may 6 continued and 6			
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE Inventor(s): John F. McEntee Serial No.: 10/891,037	Legal Department, DL429 Intellectual Property Administration P. O. Sex 7500	ATTORNEY DOCKET NO. 10004031-2	
Inventor(s): John F. McEntee Serial No.: 10/691,077	Loveland, Colorecto 60637-0569		
Serial No.: 10/591,037	· IN THE UNITED STA	TES PATENT AND TRADEMARK OFFICE	
Serial No.: 10/591,037	Inventoria): John F. MoEntee		
COMMISSIONER FOR PATENTS P.O. BOX 14357 Alexandria VA 22313-1450 REQUEST FOR CONTINUED EXAMINATION (RGE) 37 CFR 1.114 Succession (a) of 35 U.S.C. 132, effective to May 70, 2000, provides the certificines assummance of an utility or plant application. Anne 2, 1933. See The American Privation Act of 1999 (APA). Sin This is a Request for Continued Examination (RCE) under CFR 1.114 of the above-identified application. ADDED 17 CFR 1.114 of fight and Examination and Frantism was defended in May 2, 2004, specified any office to consider the provided in the plant of the		Examiner: Jeff H. Aftergut	
COMMISSIONER FOR PATENTS P.O. BOX 1450 Alexandria VA 22313-1450 REQUEST FOR CONTINUED EXAMINATION (RCE) 37 CFR 1.114 Succession (a) of 35 U.S.C. 132, effective to May 29, 2000, provides the provinces assummasses of an Usiny or plant application (Mad on or after June 8, 1951, Lane	Filing Date: October 21, 2003	Group Art Unit: 1733	
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AGILENT TECHNOLOGIES, INC. Legal Department, DL429 Intellectual Property Administration P. O. Box 7599 Loveland, Colorado 80537-0599

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor	(s):	John	F.	McEntee
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Serial No.: 10/691,037

Examiner: Jeff H. Aftergut

Filing Date: October 21, 2003

Group Art Unit: 1733

Title: SEPTUM

COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria VA 22313-1450

REQUEST FOR CONTINUED EXAMINATION (RCE) 37 CFR 1.114

Subsection (b) of 35 U.S.C. 132, effective on May 29, 2000, provides for continued examination of an utility or plant application filed on or after June 8, 1995.

See The American Inventors Protection Act of 1999 (AIPA).

Sir:

This is a Request for Continued Examination (RCE) under CFR 1.114 of the above-identified application.

NOTE

37 CFR 1.114 is effective on May 20, 2000. If the above application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under CFR 1.53(d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 off. Gaz. Pat. Office 47 (Apr.11, 2000), which Established RCE practice.

Submission under 37 CFR 1.114

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×	Previously submitted: Consider the amendment(s)/reply under 37 CFR 1.116 previously filed on 08-09-2006 (Any unentered amendment(s) referred to above will be entered). Consider the arguments in the Appeal Brief or Reply Brief previously filed on Other:	
	Enclosed: Amendment/Reply Affidavit(s)/Declarations(s) Information Disclosure Statement (IDS) Other:	
	<u>Miscellaneous</u>	
	☐ Suspension of action is requested under 37 CFR 1.103(c) for a period of months. The fee for this Suspension is (37 CFR 1.17(i)) \$130.00. ☐ Other:	

Rev 06/05 (RCE)

Page 1 of 2

4 PGS total

RCE filing fee \$790.00	
A Petition for Extension of Time One month \$120.00 Two months \$450.00 Three months \$1020.00 Four months \$1590.00	
Please charge to Deposit Account 50-1078 the suplease charge any fees required or credit any over	um of \$790.00 . At any time during the pendency of this application repayment to Deposit Account 50-1078 pursuant to 37 CFR 1.25.
A duplicate copy of this transmittal letter is enclose	ed.
I hereby certify that this correspondence is being deposite with the United States Postal Service as First Class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450. Date of Deposit:	
OR I hereby certify that this paper is being facsimile transmitted to the Commissioner for Patents on the date shown below. Date of Facsimile: 09-18-2006 Typed Name: Donna Macedo Signature:	

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	Serial No.: 10/891,037	Exeminar: Joff H. Aftergut		
	Filing Date: October 21, 2003 Title: SEPTUM	Group Art Unit: 1733		
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	COMMISSIONER FOR PATENTS			
	COMMISSIONER FOR PATENTS P.O. Box 1460 Alexandria VA 22313-1450			
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